

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

-----  
BRIAN N. DRAKE,

Petitioner,

-v-

UBS FINANCIAL SERVICES, INC.,

Respondent.  
-----

FILED  
IN CLERKS OFFICE

2004 OCT -8 A 11: 18

U.S. DISTRICT COURT  
DISTRICT OF MASS.

C.A. No. 04-11426(REK)

**DRAKE'S AMENDED MOTION TO VACATE ARBITRATION AWARD  
OR ALTERNATIVELY, REQUEST FOR REMAND**

Petitioner Brian N. Drake ("Drake") moves to vacate an arbitration award, a copy of which is annexed to the original Application to Vacate filed in state court prior to removal, or alternatively, remand to the arbitrators for an explanation as to whether the arbitrators heeded the call of respondent UBS Financial Services, Inc. ("UBS") to disregard controlling New York law. Since Drake's motion to compel production of documents and interrogatory answers is pending, Drake requests the right to supplement this motion in the event the Court grants the motion to compel.

In support of the Motion, Drake relies upon the accompanying Memorandum, and Affidavit of William A. Jacobson, Esq., and the Exhibits thereto.

**REQUEST FOR ORAL ARGUMENT**

Drake requests oral argument on this motion, which we believe will assist the Court in determining the issues raised herein.